

# HOUSE BILL 1314

P2

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By: **Delegate Holmes**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Minority Business Enterprises – Reporting of Architectural**  
3 **Services and Engineering Services Contracts**

4 FOR the purpose of requiring certain units of State government to report to certain  
5 entities information concerning procurements by the unit for architectural  
6 services and engineering services involving minority business enterprises for  
7 the preceding fiscal year; and generally relating to the reporting of  
8 procurements for architectural services and engineering services and minority  
9 business enterprises.

10 BY repealing and reenacting, without amendments,  
11 Article – State Finance and Procurement  
12 Section 11–101(b) and (i)  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – State Finance and Procurement  
17 Section 14–305  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2011 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – State Finance and Procurement**

23 11–101.

24 (b) (1) “Architectural services” means professional or creative work that:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) is performed in connection with the design and supervision  
2 of construction or landscaping; and

3 (ii) requires architectural education, training, and experience.

4 (2) “Architectural services” includes consultation, research,  
5 investigation, evaluation, planning, architectural design and preparation of related  
6 documents, and coordination of services that structural, civil, mechanical, and  
7 electrical engineers and other consultants provide.

8 (3) “Architectural services” does not include construction inspection  
9 services or services provided in connection with an energy performance contract.

10 (i) (1) “Engineering services” means professional or creative work that:

11 (i) is performed in connection with any utility, structure,  
12 building, machine, equipment, or process; and

13 (ii) requires engineering education, training, and experience in  
14 the application of special knowledge of the mathematical, physical, and engineering  
15 sciences.

16 (2) “Engineering services” includes consultation, investigation,  
17 evaluation, planning, design, and inspection of construction to interpret and ensure  
18 compliance with specifications and design within the scope of inspection services.

19 (3) “Engineering services” does not include services provided in  
20 connection with an energy performance contract.

21 14–305.

22 (a) (1) Within 90 days after the end of the fiscal year, each unit shall  
23 report to the Governor’s Office of Minority Affairs, the certification agency, and,  
24 subject to § 2–1246 of the State Government Article, the Joint Committee on Fair  
25 Practices and Personnel Oversight.

26 (2) A report under this subsection shall for the preceding fiscal year:

27 (i) state the total number and value of procurement contracts  
28 between the unit and certified minority business enterprises, by specific category of  
29 minority business enterprise, including whether the minority business enterprise  
30 participated as a prime contractor or as a subcontractor;

31 (ii) indicate the percentage that those procurement contracts  
32 represent, by specific category of minority business enterprise, of the total number and  
33 value of procurement contracts;

1 (iii) state the total number and the names of certified minority  
2 business enterprises that participated as prime contractors or as subcontractors on  
3 procurement contracts awarded by a unit;

4 (iv) for each minority business included in the report under item  
5 (iii) of this paragraph, list all procurement contracts awarded by a unit to the minority  
6 business enterprise, including a description of the contract; and

7 (v) contain other such information as required by the  
8 Governor's Office of Minority Affairs and the certification agency and approved by the  
9 Board.

10 **(3) AS TO PROCUREMENT CONTRACTS FOR ARCHITECTURAL**  
11 **SERVICES AND ENGINEERING SERVICES REPORTED UNDER PARAGRAPH (2) OF**  
12 **THIS SUBSECTION, THE REPORT SHALL IDENTIFY BY SEPARATE CATEGORY OF**  
13 **MINORITY BUSINESS ENTERPRISE PROCUREMENTS FOR:**

14 **(I) ARCHITECTURAL SERVICES; AND**

15 **(II) ENGINEERING SERVICES.**

16 **[(3)] (4)** A report under this subsection shall be in a form prescribed  
17 by the Governor's Office of Minority Affairs and the certification agency and approved  
18 by the Board.

19 (b) (1) On or before December 31 of each year, the Governor's Office of  
20 Minority Affairs shall submit to the Board of Public Works and, subject to § 2-1246 of  
21 the State Government Article, to the Legislative Policy Committee a report  
22 summarizing the information the Office receives under subsection (a) of this section.

23 (2) This report may be prepared in conjunction with the annual report  
24 required under § 9-306 of the State Government Article.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 June 1, 2012.